

REMARKS

Claims 1 through 11 are pending in this Application. Claims 1, 2 and 8-11 have been amended. Care has been exercised to avoid the introduction of new matter. Specifically, claims 1, 2 and 8-11 have been amended to overcome minor formalities. Applicant submits that the present Amendment does not generate any new matter issue.

Applicant notes with appreciation the indication of allowable subject matter set forth in claim 3 of the present invention.

For the reasons set forth below, Applicant respectfully submits that all pending claims are patentable over the cited prior art references.

Claim Objections

The Examiner objected to claims 1, 2 and 8-11 identifying a manifest typographical oversight. In response the typographical oversight identified by the Examiner has been corrected, thereby overcoming the stated basis for the objection to claims 1, 2 and 8-11. Accordingly, withdrawal of the objection to claims 1, 2 and 8-11 is solicited. The Examiner's perspicacity is appreciated.

Claims 1, 4-6 and 8-11 were rejected under 35 U.S.C. § 102 for lack of novelty as evidenced by Tamao et al. (WO 2004/003053).

Claims 1, 2, 4-8 and 11 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Doi et al. (WO 03/084973).

Each of the above rejections under 35 U.S.C. § 102 and § 103 is traversed.

The reference to Tamao et al. and Doi et al. is not prior art with respect to the claimed invention.

The present Application is entitled to a foreign priority date of March 31, 2003 by virtue of 35 U.S.C. § 119, which priority date antedates the January 8, 2004 publication date of Tamao et al. and the October 16, 2003 publication date of Doi et al. Submitted herewith are certified priority documents and English language translations of the foreign priority documents, JP 2003-097303 (Exhibit A), and JP 2004-088149 (Exhibit B). Accordingly, the references to Tamao et al. and Doi et al. do not constitute legal prior art with respect to the claimed invention.

Claims 1, 4-8 and 11 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Ikehira et al. (US No. 2002/0193532).

In the statement of the rejection, the Examiner concluded that Ikehira et al. discloses polymeric light emitting substances for use in the light emitting layer of an organic light emitting device. The Examiner further stated that the present claim language of “substituent containing boron” does not require that the boron be directly attached to either ring of the phenylpyridine ligand, and does not limit the size of the substituent containing boron. The Examiner then concluded that one having ordinary skill in the art would have been motivated to make polymeric light emitting substances comprising an iridium phenylpyridine structure by Ikehira’s disclosure of such structures among the preferred structures. This rejection is traversed.

Applicants submit that the compounds disclosed by Ikehira et al. do not resemble those in the claimed invention. Specifically, as the Examiner stated, Ikehira discloses a *polymeric* light emitting substance for use in the light emitting layer of an organic light emitting device. In

contrast, the present invention does not teach a polymeric structure, rather, a metal-ligand complex comprised of a single molecule.

Furthermore, Ikehira does not disclose that any of the substituents shown to be attached to the aromatic rings consist of boron (see, paragraphs [0018] and [0160], Ikehira). The Examiner alleges that paragraph [0078] contains a substituent that contains boron. However, the structures listed in paragraph [0078] of Ikehira are not substituents, but linking agents to form the polymeric structure. As the structure (1) in claims 1, 8 and 11 of the present invention does not indicate any polymerization, an artisan skilled in the art would not find that the boron containing compound in paragraph [0078] would be a substituent to the structure 1 of the present invention. Moreover, as Ikehira lists the substituents in paragraphs [0018] and [0160], and does not refer to the compounds in paragraph [0078] as substituents, it holds that paragraph [0078] are not substituents as defined either in Ikehira or in the present invention. While the Examiner states that “the present claim language of ‘substituent containing boron’ does not require that the boron be directly attached to either ring of the phenylpyridine ligand, and does not limit the size of the substituent containing boron”, the boron containing compound disclosed in Ikehira would still not be considered a “substituent” to one skilled in the art, as indicated above.

In addition, a compounds that contains boron in the present invention allows the shift of the maximum luminescent wavelength and the decrease in the full width at half-maximum of the emission spectrum, resulting in a sharp emission spectrum, as set forth in the specification of the pending application. Ikehira is silent with respect to such an effect. Accordingly, in view of the foregoing, Ikehira appears not to disclose the compounds of the claimed invention.

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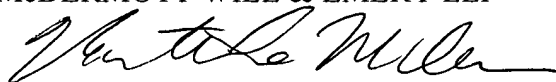
Applicant, therefore, submits that the imposed rejection of claims 1, 4-8 and 11 under 35 U.S.C. §103 for obviousness predicated upon Ikehira is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing, it should be apparent that the imposed rejections have been overcome and that all active claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Nathaniel D. McQueen
Registration No. 53,308

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8231 NDM/AJS:kap
Facsimile: 202.756.8087
Date: October 27, 2006

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